

# Committee on Resources

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## Witness Testimony

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Testimony on HR 434  
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United States Department of Agriculture  
Before the  
House of Representatives  
Subcommittee on Forests and Forest Health  
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Concerning H.R. 434, a bill "to convey small parcels of land in the Carson National Forest and the Santa Fe National Forest to El Rito and Jemez Springs, New Mexico"

MADAM CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to appear before you today to discuss H.R. 434, a bill "to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico."

Although the provisions of H.R. 434 involve small parcels of Federal land, the Administration objects to conveying public lands for no consideration. The conveyance of these acres to private landowners and local entities should bring a fair return to the governments. The Administration could support this bill if it were amended to include fair market value to the government, and to identify specifically the parcels of lands involved.

Let me address each section of the bill separately.

### Section 1: Conveyance to the Village of El Rito

Section 1 of H.R. 434 directs the Secretary of Agriculture to convey approximately 5 acres of National Forest System lands on the Carson National Forest to the village of El Rito, New Mexico for no consideration. This conveyance would allow the community to expand the existing Martinez cemetery.

The lands encompassing the area known as the Martinez cemetery were purchased as part of the larger Juan Jose Land Grant acquisition by the Federal Government in the 1940's. A small cemetery existed at that time and was mentioned as an encumbrance in the deed. As we understand it, Madam Chairman, the area encumbered by the cemetery at the time was about two-tenths of an acre of land.

Over the years, the community's use of the property has expanded gradually and local Forest Service representatives estimate that the current cemetery is approximately 2 acres in size. The legislation would add 5 acres to the site.

Madam Chairman, we are aware of the historical and emotional significance of these lands to the community. Historically, these lands were Spanish land grants and represent the deep cultural and economic roots of the community. Second, these lands are the final resting place of many of the communities, loved ones. The Forest Service supports the concept of providing additional land to the community to expand the cemetery and in no way imagines disturbing this sacred land. However, part of our responsibility as Federal land managers is to assure a fair return for lands conveyed out of the Federal estate.

In addition to the lack of a fair market value for the conveyance, there is another difficulty associated with the legislation. The village of El Rito is unincorporated, and until they are organized and recognized in some manner under the law, there is no legal entity to receive a conveyance from the Federal Government.

The provisions of Section 1 of H.R. 434 may be premature because the legal status of the village must be addressed. Once this difficulty is overcome, the Department of Agriculture has the authority to accomplish land conveyance with the village of El Rito under the Townsite Act.

Because there are special circumstances involved, we would consider supporting the development of a long-term payment provision, so that the financial resources of the community are not over-extended in paying fair market value for the cemetery expansion.

We would like to work with the Members of the Committee and Representative Redmond to develop amendatory language or an administrative proposal that accomplishes the goal of expanding the cemetery for a fair return to the Government. We would propose meeting at your earliest convenience to begin this work.

## Section 2: Conveyance to the Town of Jemez Springs

Section 2 of H.R. 434 directs the Secretary of Agriculture to convey approximately 1 acre of National Forest System lands on the Santa Fe National Forest to the town of Jemez Springs, New Mexico for no consideration.

We understand that the town plans to construct a fire sub-station on the property it would acquire, and that the town has received a State grant to fund the substation.

The Administration could support Section 2 of H.R. 434 if it were amended to include fair market value to the government and specifically identified the parcel of land involved.

The lands involved in Section 2 of H.R. 434 were purchased by the Federal Government as part of a larger land acquisition about 15 years ago. The Federal Government expended funds set aside for the Land and Water Conservation Act to acquire these acres. While we understand the desire of the community to receive the lands for no consideration, the Administration objects.

The conveyances proposed in Section 2 of H.R. 434 might be readily accomplished under existing administrative authorities for exchanges, purchases, or conveyance. For example, the Townsite Act authorizes the conveyance of lands to established communities located adjacent to National Forest System lands for not less than fair market value.

We understand that the City of Jemez Springs owns land adjacent to National Forest lands in the area. Another option that the Forest Service has discussed with the City of Jemez Springs is to enter into a land

exchange with the Santa Fe National Forest to accommodate their needs for t the acre of land.

A third option is for the City of Jemez Springs to purchase private land to meet their needs or purchase other private lands to exchange with the Forest Service.

Since we understand that the community has received a State grant to build a fire-substation on the property, it may not be unreasonable for them to pay fair market value for the land to build on.

### Conclusion

In summary, Madam Chairman, we would be willing to work with the Committee to draft appropriate amendments to the bill to assure that the Federal government receives fair market value for the lands conveyed to the village of El Rito and the town of Jemez Springs. We would also recommend that the bill be amended to specifically identify the parcels of lands involved.

This concludes my statement. I would be happy to answer any questions that you or other Members of the Committee might have.

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